

BOARD OF COUNTY COMMISSISONERS  
LEON COUNTY, FLORIDA  
REGULAR MEETING  
JANUARY 25, 2005  
**DRAFT**

The Board of County Commissioners of Leon County, Florida, met in regular session with Chairman Thaeil presiding. Present were Commissioners Proctor, Sauls, Winchester, Rackleff, DePuy, and Grippa. Also present were County Attorney Herb Thiele, County Administrator Parwez Alam, Deputy Clerk Bill Bogan Jr., and Secretary Jennifer Meale.

Invocation was provided by Commissioner Winchester followed by the Pledge of Allegiance to the Flag.

**Awards and Presentations**

- Commissioner Rackleff presented a resolution recognizing and honoring the achievements of the 160<sup>th</sup> Military Police Battalion
- Ms. Landy Hayes, President of Youth Corps, presented an Award to Anita Davis, Winner of the Annual Martin Luther King, Jr. "I have a DREAM" Essay Contest
- County Administrator Alam, Chairman of the Local Government's United Way 2004 Campaign, announced that they reached the goal of raising \$398,000, which is 3% more than the previous year. Mr. Ken Armstrong of United Way thanked the Board, Administrator Alam, Allison Dodson, Jennie Khoen, and the County's United Way Coordinators. He stated that it is unique to have the City, County and United Way doing human service funding together.

**Consent**

Commissioner Sauls moved, duly seconded by Commissioner DePuy, and carried unanimously, 6-0 (Commissioner Winchester was out of Chambers), to approve the Consent Agenda with the exception of items 5, 17, and 20, which were pulled for discussion:

1. Approval of Bills and Vouchers Submitted for January 25, 2005, and Pre-approval of Bills and Vouchers Submitted for January 26 through February 7, 2005

The Board approved Option 1: Approve payment of bills and vouchers submitted for approval for January 25, 2005, and pre-approve payment of bills and vouchers for the period January 26 through February 7, 2005: \$4,987,911.82

2. Approval to Submit Applications for the 2005/2006 Florida Department of Health, Bureau of Emergency Medical Services Matching Grant

The Board approved Option 1: Approve the submittal of the 2005/2006 Florida Department of Health, Bureau of Emergency Medical Services Matching Grant applications.

3. Approval of the Submittal of the FY 2004/2005 Florida Department of Health, Bureau of Emergency Medical Services County Grant Application

The Board approved Options 1, 2 and 3: 1) Approve the submittal of the 2004/2005 Florida Department of Health, Bureau of Emergency Medical Services grant application; 2) Approve the submittal of the attached Resolution R05-03 that certifies that the grant funds shall be used to improve and expand pre-hospital EMS and shall not be used to supplant existing County EMS budget allocations; 3) Approve the budget Resolution and the associated budget amendment request.

4. Acceptance of the Investment Oversight Committee (IOC) Annual Investment Report for Leon County

The Board approved Option 1: Accept the Investment Oversight Committee's Annual Investment Report for Leon County.

5. Acceptance of Tourist Development Council (TDC) FY 2004 Fourth Quarter Report

This item was pulled for discussion.

Commissioner Grippa requested the Board to schedule a Workshop on the Tourist Development Council's (TDC) programs and initiatives. In order to save the county \$12,500, the City is going to appropriate \$12,500 on January 26, 2005 for the WWII Memorial that the state is putting up (60,000-75,000 people will attend the event). Commissioner Grippa would like the TDC to fund \$12,500. His original request last meeting was for \$25,000. He pointed out that if everything goes well, the City will give \$12,500 and the TDC will give \$12,500 on behalf of the County.

Commissioner Proctor asked whether the softball tournament was listed in the fourth quarter and if so, how was it listed. He also inquired about the fiscal impact for the community, and Commissioner Proctor requested an addendum for the softball tournament if it is not already in the report.

Commissioner Grippa moved, duly seconded by Commissioner Sauls, and passed unanimously, 6-0 (Commissioner Winchester was out of

Chambers), to approve Option 1, as revised: 1) Accept the FY 2004 Fourth Quarter Status Report for the Tourist Development Council; to schedule a Workshop on TDC programs and initiatives; request TDC provide \$12,500 for the WWII Memorial; and, if TDC does not approve funding request, agenda the funding request for Board consideration.

*The Board then entered discussion of Item 17.*

6. Request to Reschedule Workshop on Joint Dispatch and Emergency Operations Center for March 22, 2005 from 1:30 – 3:00 p.m., and Reschedule the Workshop on MIS Technology Update for April 12, 2005 from 11:30 – 1:00 p.m.

The Board approved Option 1: Reschedule the Workshop on Joint Dispatch and Emergency Operations Center for March 22, 2005, from 1:30 to 3:00 p.m., and the Workshop on MIS Technology Update for April 12, 2005 from 11:30 to 1:00 p.m.

7. Request to Schedule a Workshop on Growth and Environmental Management Permit process and Development Initiatives for April 12, 2005 from 11:30 – 1:00 p.m.

The Board approved Option 1: Schedule a Workshop on Growth and Environmental Management Permit Process and Development Initiatives for April 12, 2005 from 1:00 – 3:00 p.m.

8. Request to Schedule a Workshop on County Employee Health Insurance for Tuesday, February 22, 2005 from 1:30 – 3:00 p.m.

The Board approved Option 1: Schedule a Board Workshop on Tuesday, February 22, 2005 from 1:30 – 3:00 p.m. to discuss County Employee Health Insurance Options.

9. Request to Schedule First and Only Public Hearing to Adopt a Proposed Ordinance Amending Chapter 7, Article II of the Code of Laws of Leon County Entitled "Court Filing Fees; Service Charges; Court Costs" on Tuesday, February 8, 2005 at 6:00 p.m.

The Board approved Option 1: Schedule the first and only public hearing to adopt the proposed ordinance amending Chapter 7, Article II, of the Code of Laws of Leon County, entitled "Court Filing Fees; Services Charges; Court Costs," for Tuesday, February 8, 2005, at 6:00 p.m.

10. Authorization to Submit a Request for Consistency Review, and Schedule a Public Hearing on Proposed Revisions to Leon County Ordinance No. 03-37, Temporary Uses

The Board approved Option 1: Authorize staff to submit the proposed amendments to the Planning Department for a consistency review and to advertise the recommended amendments to Ordinance 03-37, for the first public hearing.

11. Acceptance of the 2004 State if the Southern Strategy Update

The Board approved Option 1: Accept the 2004 State of the Southern Strategy update, in fulfillment of Land Use Policy 11.2.1.

12. Approval to Amend the Canopy Roads Citizens Committee Bylaws

The Board approved Option 1: Approve the amendments to the Canopy Road Citizen Committee Bylaws and make the term limits retroactive to current members.

13. Approval of the Leon County Strategic Communications Plan

The Board approved Option 1: Approve the Leon County Strategic Communications Plan.

14. Approval to Award One Housing rehabilitation Contract to Blue Chip Construction Co., Inc.

The Board approved Option 1: Approve the award of one Housing rehabilitation Contract to Blue Chip Construction Co., Inc. using State Housing Initiatives Partnership Funds.

15. Approval to Award Three Housing Rehabilitation Contracts to Blue Chip Construction Co., Inc.

The Board approved Option 1: Approve the award of three Housing Rehabilitation Contracts to Blue Chip Construction Co., Inc. using State Housing Initiatives Partnership Funds.

16. Adoption of the FY 2005-2008 State Housing Initiatives Partnership Local Housing Assistance Plan and the Community Development Block Grant Housing Assistance Plan

The Board approved Option1: Approve the State Housing Initiatives Partnership Local Housing Assistance Plan and the Department of Community Affairs Community Development Block Grant Housing Assistance Plan for Fiscal Years 2005-2008.

17. Approval of Resolution Authorizing the Sale of \$16,800,000 in Multi-Family Housing Revenue Bonds Series 2005, to Finance the Acquisition and Construction of the Lakes at San Marco Apartments, to MuniMae TE Bond Subsidiary, LLC.

This item was pulled for discussion.

On December 11, 2001, the Board approved the amendment to Chapter 2, Section 2-74(c), Leon County Code of Laws to allow the HFA to issue multifamily bonds in accordance with Leon County Ordinance No. 80-39, Sections 8 and 10.

Commissioner Grippa stated that this affordable housing project is being executed at \$30-\$40 per square foot—well below the square footage market rate. He requested staff to notify the Board at a County Commission Meeting if there are any change orders, additional costs or modifications to the project other than what is being quoted to the Housing Finance Board.

Commissioner Procter stated that he learned the permitting status of the project has been on hold. Bob Reed of Bryant Miller, 201 S. Monroe St., stated that he understands the City is waiting for two items for issuing the permit, or what is known as the "but-for" letter – "but for" the payment of impact fees and permit fees, they are ready to issue permits. The two schedules are: 1) a list of permits the projects will require, which the city is to add to the permit package, and 2) an updated index list of the drawings from the architect, which are being delivered to the city on the afternoon of January 25, 2005. Collin Edelstein of CDG, 241 Peachtree St., Atlanta, GA, stated that he understands that Dwight Arnold, who works in the permitting office, was ready to issue the "but-for" letter. CDG's lender asked for the changes to the "but-for" letter. Mr. Joe Sharp stated that he spoke with Mr. Arnold earlier in the afternoon on January 25, 2005, confirming Mr. Edelstein's statement. He also wanted to point out to the Board that none of the bonds would be issued if they do not have the permit or "but-for" letter.

Chairman Thael asked where in the agenda the cost of the low-cost building was addressed. Mr. Sharp responded that the County Housing Finance Authority engaged a credit-underwriting firm, Amerinational—one of the underwriting firms used by Florida Housing Finance Corporation, to provide construction oversight and disbursement services. They engaged another firm, Consultech and Associates, to do a construction cost analysis. The credit underwriting report recommended going forward with the report. They will be overseeing all construction draws, change orders, and everything else for approval. Mr. Sharp explained that they must approve it before any of the bond proceeds are allowed to be dispersed

for the project. The project has, in the event of cost overruns, a little less than \$3 million cash in other pots that are available (i.e. hold-back equity funds, funds that are posted by guarantors and contingency funds) plus a 7% until completion hold-back on the general contract.

Chairman Thaelle emphasized the importance of information being available to all Commissioners in an agenda item.

Administrator Alam asked whom retained Ameritrade and who paid for it. He added that when the County does bonds, a small percentage goes to the issuing Authority for whatever expenses they have; he wanted to know if this occurred. Mr. Sharp responded that the Housing Finance Authority retained Ameritrade and it will be paid by bar orders or from bonds. This is to cover their administrative costs in issuing and overseeing the bond issue and in accordance with their policy, they are receiving an ongoing fee for the life of the issue.

Commissioner Grippa stated that the information came from two board members on the Housing Finance Authority.

Commissioner Proctor stated that he has been carefully watching the project and is concerned about the number of trips on Woodville Highway. Commissioner Proctor stated that when looking at the particular site, it is strategically placed in an area that is rapidly developing and is opposite a site that could easily be home to the new fairground. He remarked that there is speculation that the site opposite the East Side of Woodville Hwy could be a fairground. Commissioner Proctor stated that the 312 units for the subject site and the 400 units that will be coming in the next couple of years between Tram Road speaks to the need to look critically at the widening of Woodville Highway.

Commissioner Proctor noted that he had the opportunity to make a presentation to Leadership Tallahassee earlier today, and remarked that the Board needs to take a critical look at Woodville Highway.

Commissioner Proctor addressed the developer, stating that he does not want the cheapest house money can buy. He cautioned that the credentials, track record and success rate of the developer should be factored.

Commissioner Rackleff wanted to verify that the Housing Finance Authority is issuing the bonds to provide financing. He asked for clarification on whether it will be constructed and operated by this company or will it be owned and operated by the Housing Finance Authority. He also asked if the Complex would pay property taxes and inquired whether there are tax credits involved. Mr. Edelstein confirmed

that the project is 25% market rate and 75% is set aside for affordable housing.

Mr. Sharp responded that the complex will pay taxes and this is a conduit bond issue for a private entity, and will not be government-owned and operated.

Chairman Thael stated that he has followed the project closely and is interested in facilitating the minutia of maneuvering through the County process to secure the bonds. This is a flagship for the commitment to provide affordable housing.

Commissioner Proctor moved, duly seconded by Commissioner DePuy, and carried 5-1 (Commissioner Grippa opposed and Commissioner Winchester was out of Chambers) to approve Option 1: Approve the Resolution authorizing the negotiated sale of \$16,800,000 in Multifamily Housing Revenue Bonds Series 2005, for acquisition and construction of the Lakes at San Marcos Apartments, an affordable housing project, to MuniMae TE Bond Subsidiary, LLC and authorize the Chairman to execute and direct staff to bring an agenda item to the Board regarding any changes/modifications to the project.

*The Board then entered discussion of Item 20.*

18. Approval to Enter into a Partnership with Florida State University (FSU), College of Information, for the Purpose of Submitting a Grant to the Federal Institute of Museum and Library Services

The Board approved Option 1: Approve the partnership with FSU and authorize staff to submit the library profile for FSU's grant application.

19. Adoption of an Enabling Resolution Establishing the Transfer Station Citizens' Liaison Committee

The Board approved Option 1: Adopt the enabling Resolution establishing a seven (7) member focus group to be called the Transfer Station Citizens' Liaison Committee.

20. Acceptance of Status Report Regarding the County's Neighborhood Household Hazardous Waste Collection Events and Curbside Hazardous Waste Collection

This item was pulled for discussion.

Commissioner Grippa pulled this item to ask staff why the County cannot remove hazardous waste and why the County is charging people for hazardous waste.

The Director of Solid Waste, Norm Thomas, stated that they he does not charge residents for collection of household hazardous waste. The tipping fees at landfills and the transfer station subsidize it, but there is no direct charge to single family residents. He pointed out that there is a charge for small quantity generators and a fee for small businesses discarding hazardous waste.

Commissioner Grippa stated that a deputy told him that he was charged at the landfill when he went to drop-off hazardous waste. Commissioner Grippa asked Mr. Thomas to verify that under no circumstances is there a charge for any citizen dropping-off household hazardous waste at the facility. He also asked what the estimated cost of picking up hazardous waste once a month would be.

Mr. Thomas verified that there is no charge for a private citizen and there is a charge for businesses. Mr. Thomas responded that they have not analyzed the cost of picking-up hazardous waste. There are some examples in California or Pennsylvania where they contracted with an exclusive franchise for that service and the fee was \$40-45 per visit.

Commissioner Grippa stated that he wished the County had a program to pick-up hazardous waste.

Commissioner Proctor noted that he has scheduled a spring-cleaning for District 1 in April and would like the fees waived. County Administrator Alam responded that the fees have been waived in the past and if specific dates are provided, staff would waive the fees.

Commissioner Grippa moved, duly seconded by Commissioner Proctor and carried unanimously, 6-0 (Commissioner Winchester out of Chambers), to approve Option 1: Accept Status Report regarding Neighborhood Household Hazardous Waste (HHW) collection events and curbside HHW collection.

*The Board then entered discussion under Citizens to be Heard on Non-Agendaed Items.*

21. Approval of the Plat of Hampton Creek, Phase One, Subdivision; Acceptance of Performance Agreements; and Authorization to Record in Public Records



The Board approved Options 1, 2, and 3: 1) Approve the plat of Hampton Creek and authorize staff to record it in the Public Records upon staff's review and acceptance of the delayed engineering information; 2) Accept the Performance Agreement and surety device; 3) Ratify the Conservation Easement recorded in Official Record Book 3019, page 2216.

22. Approval of Contract Extension for the Stormwater Flow Monitoring Program with the Northwest Florida Water Management District

The Board approved Option 1: Approve the contract extension for the Stormwater Flow Monitoring Program with the Northwest Florida Water Management District and authorize Chairman to execute.

23. Request for Retroactive Travel Expenses for Chairman Thael for Meetings with Legislative Delegation in Washington DC, January 4, 2005

The Board approved Option 1: Approve travel expenses requested.

24. Request for Travel Expenses for Chairman Thael to Research County's Role in Urban Revitalization in Chattanooga, TN, February 3-4, 2005

The Board approved Option 1: Approve travel expenses requested.

#### **Citizens to be Heard on Non-Agendaed Items**

Mr. Terry Fregley, 1801 N. Meridian Rd., stated that the property in question is located on Capital Circle, formerly the Bayliner Plant, which he purchased years ago. Mr. Fregley explained that he is trying to convert a brownfield into a productive industrial field and is in debt for \$46,000 for permit fees for environmental site plan NFI. He stated that he is no closer to getting a building permit than he was when he started. Even though he does not have a building permit, Mr. Fregley wanted to go ahead and begin constructing the holding ponds because the site plan permit from 1980 allows water to be dumped in the ponds.

Since the Commissioners cannot engage in discussion at this time, Commissioner Grippa agreed to bring the matter up under his time at the end of the meeting.

#### **General Business**

25. Consideration to Sponsor a Table at the FRIENDS of the LeRoy Collins Leon County Public Library's Author Event Fundraiser in the Amount of \$2,500

Commissioner Sauls noted that the FRIENDS of the library do a lot for the community and to her knowledge this is the first time they have come to the Board with a request of this nature.

Commissioner Rackleff stated that the FRIENDS of the library are usually the ones handing the Board checks in the amount of \$100,000 or \$200,000.

Commissioner Sauls moved, duly seconded by Commissioner Grippa, and passed unanimously, 7-0, to approve Option 1: Approve the sponsorship of a table at the FRIENDS of the LeRoy Collins Leon County Public Library's Author Event fundraiser in the amount of \$2,500.

26. Consideration of Establishing a Rotation System for Appointment of Board's Chairman and Vice-Chairman

This item involves a change in the selection policy for the Chairman and Vice Chairman that would involve a rotational system. The item was brought up at the December 13, 2004 retreat, and it was suggested that the item be put on the agenda.

Commissioner Rackleff suggested establishing a rotation system for appointment of Chairman and Vice Chairman of the Board. He stated that it would evenly distribute the responsibility of being Chair and reduce conflict on the Board.

Commissioner Rackleff moved, seconded by Commissioner Winchester, to approve Option 1: Establish the Rotation Proposal #1 as the policy for Chairman and Vice Chairman Appointment, effective November 2005, and direct staff to draft policy.

Commissioner Rackleff stated that being Chairman ties the Chairman to the district. He further stated that if one thinks of being Chairman as giving a little additional representation to the district, then that "edge" goes to the district rather than the person.

Commissioner Winchester withdrew the second therefore, the motion was declared dead for lack of a second.

Commissioner Grippa stated that the situation potentially could be problematic in the event someone had to stand-in.

Commissioner DePuy supported the motion to leave the process as is.

Commissioner Grippa moved, duly seconded by Commissioner Sauls, and passed 5-2 (Commissioner Rackleff and Chairman Thael opposed) to

continue with the present method of appointment of Chairman and Vice-chairman.

### **Commission Items**

#### **Commissioner Grippa**

- a. Without objection, requested a resolution for Mel Ebey, Director of the Homeless Shelter, the longest standing head of a shelter.
- b. Requested the County Attorney to bring back a process in response to a citizen's inquiry. A citizen of Killearn Lakes has a piece of property that is undevelopable, and he would like to give the property to the county. In exchange, the citizen would like 2-3 years of back taxes waived because he stopped paying taxes when he was told the Board could not permit the property.
- c. Commissioner Grippa would like Talquin Electric to come before the Board and explain the rates, since the County owns the water/sewer franchise and Talquin has increased the sewer charge connection fee for the Killearn Lakes area.

Commissioner Rackleff stated that Talquin is a rural electric co-op so it is a federally chartered organization and there may be some regulatory preemption. He explained that one of the obligations of a rural electric cooperative is that they make direct investments in economic development, which is a requirement that has been widely ignored around the country. Commissioner Rackleff pointed out that they could be a source of funding for part of the County's business incubator and they need to step up to the plate and help the economy of the community to develop.

Commissioner Proctor noted that the Angelou Report indicated the same.

Commissioner Grippa moved, duly seconded by Commissioner DePuy, and carried unanimously, 6-0 (Commissioner Winchester was out of Chambers) to agenda the discussion with the rural electric co-op (Talquin Electric) for a Regular Meeting. The City would be invited to participate.

- d. Commissioner Grippa resume discussion of Terry Fregley's permitting issue and asked County Administrator Alam if there was anything he could do that would allow Mr. Fregley to start the process without the County first going through the site plan and other various steps. County Administrator Alam stated that from a technical standpoint, staff does not have a problem. Gary Johnson, GEM, explained that the issue is in the

County's code, Chapter 10-311, that specifically calls for site plan approval before moving into environmental management permitting.

Commissioner Grippa would like to have a public hearing and change the Ordinance to allow the development of the holding ponds to occur. Gary Johnson informed Commissioner Grippa that staff has problems with the environmental issues. Attorney Thiele suggested that staff produce a report about what Mr. Fregley is inquiring about and what the obstacles were. Gary Johnson stated that the development does not fall in the redevelopment phase, just the Bayliner area is developed. Mr. Fregley also owns other property surrounding the Bayliner area. The location for this property is not in the Bayliner design property. He explained that staff does not agree that the 1980 permit that he has is valid. Mr. Johnson stated that staff received the environmental management permit application earlier that morning, January 25, 2005, for the design of the pond. The track is a concurrent process. Staff has a tech review meeting for February 2, 2005 and the DCR meeting is for March 2, 2005 and the environmental permit should be issued for March 3, 2005. County Administrator Alam stated that from a technical standpoint, staff would have completed their review of the plans that Mr. Fregley submitted earlier this morning by February 3, 2005. Mr. Johnson affirmed the timing.

Commissioner Grippa asked Mr. Johnson how long has the permit been going through the process. Mr. John Kraynak responded that the environmental permit arrived this morning, January 25, 2005, and the site plan application request for the technical review meeting scheduled February 2, 2005 arrived last week. At that time, staff spoke to Mr. Fregley's representative and indicated that if he would bring in his environmental permit, staff could review both documents concurrently and have the project fully permitted by March 2, 2005.

Commissioner Grippa inquired about the permit and wanted to know which lawyer looked at the permit and said it is not valid. Mr. John Kraynak stated that he does not believe the County Attorney's office has viewed the permit and said it is not valid. He stated that it is staff's position that the permit is not valid. Mr. Kraynak stated that there are downstream flooding issues and it would exacerbate problems along Stoneler Road. Mr. Fregley, his consultant, and staff have worked out the stormwater management system that he has laid out that will address the problem and provide good water quality.

Commissioner Grippa voiced concern that staff made the decision that the permit was not valid and stated a legal position without the County Attorney first reviewing the permit.

Commissioner Grippa stated that he plans on bringing the issue back.

Commissioner Sauls

- a. Advised that Robert Speidel, Owner of Panther Creek Sod Farms, is looking to enter into a lease, lease purchase, or purchase with the County lands suitable for agricultural purposes, specifically sod production.

Commissioner DePuy

- a. Stated he has concerns with the permitting process. He is in favor of amending and changing the ordinances so they are beneficial to the developing community.

Chairman Thael

- a. Reported that he has a letter from Ability First concerning their working with disabled persons and home modifications. Ability First indicated that they have been able to work with the City of Tallahassee and their SHIP program to do repairs and modifications on homes of poor people who have accessibility issues. However, the County policy is restrictive in this area. Chairman Thael passed the letter to the County Administrator and asked that staff report back on the issue. If there is a problem, Chairman Thael will request to agenda the item.
- b. Chairman Thael has been asked by the American Red Cross Capital Area Chapter for a resolution to issue a Disaster Resistant Neighborhood Resolution to encourage individuals, families, neighborhoods, and communities to prepare for the next disaster.
- c. Received a response from Bill Montford, Leon County Schools Superintendent, in regard to the Board's request, initiated by Commissioner Grippa, to consider collaborations of some kind in terms of grouping employees for health insurance. It was a positive response. Chairman Thael received a phone call from the Mayor indicating that they received the Chairman's letter, and the City is having discussions with their Human Resources people on the issue.
- d. Referred to the "Red Light" Resolution. Chairman Thael noted that this item is a request from the Sarasota County Commission that the Board considers requesting a resolution to the Florida Legislature regarding a state law that would authorize communities to place cameras on intersections for the purpose of addressing aggressive driving behavior. The Sarasota County Commission has passed a resolution, and the Resolution is gaining popularity around the state.

Commissioner Rackleff stated that when he was at the Institute of Transportation Engineers meeting this past summer, red light cameras were a big topic. The cameras only take pictures when cars are running red lights. The cameras reduce accidents at problem intersections by 80% - 25% of all highway fatalities happen at an intersection.

Commissioner Grippa opposed the resolution.

Commissioner Proctor moved, duly seconded by Commissioner Grippa, and passed, 5-2 (Commissioner Rackleff and Chairman Thael opposed) not to agenda the item.

- e. Chairman Thael recognized Vincent Long, Assistant County Administrator, who will bring an agenda item forward that involves a pilot program. He noted that staff has a couple of factors that are creating a sense of urgency with this issue; one involves a bill filing deadline of February 8, 2005. The other is that DMS (Department of Management Services) has called a special delegation meeting on Thursday, January 27, 2005, at 3:00 p.m. specifically to discuss this issue of the disposition of state buildings. The issue of pursuing a pilot program, a payment in lieu of taxes, could be pursued in conjunction with the opportunity that he disposition of state buildings presents.

This is an issue that both the Chairman and Commissioner DePuy have brought up to the legislative delegation and one that has become a real matter of timing. It was noted that nothing has been developed, but staff would like to sit down and develop one plan, one community-wide initiative, and a pilot program that could serve the community in a redevelopment capacity with respect to the building. The meeting that Representative Lorraine Ausley has offered to host will take place just before the special delegation meeting at 1:30 p.m. in her office. Chairman Thael stated that he intends to attend the meeting and represent the Commission.

Commissioner DePuy asked the County Attorney about only one County Commissioner being able to attend the meeting, and if this would cause Law in the Sunshine problems.

County Attorney Thiele responded that if this were a special meeting of the commission, he would want to run an advertisement, however, there is not enough time. He stated that Chairman Thael could attend, but he could not participate unless there is more than one Commissioner present.

Commissioner Winchester asked Mr. Long to clarify if "surplus buildings" included surplus lands. Mr. Long responded that that is not the case at this point. The downtown state buildings is what they are looking at.

Commissioner Winchester asked Chairman Thael to discuss surplus lands while at the meeting, unless that discussion would complicate the issue.

Commissioner Rackleff stated that at the Cultural Resources Commission meeting, which he attended last week, the commission members were interested in the Board looking for space for cultural organizations, rehearsal space, office space, etc. They were impressed that the Board is first on the list and has the right of first refusal on offered properties. Commissioner Rackleff pointed out that with this preference, according to Mayor Marks, the County could partner with the City and come-up with money to help with cultural facilities.

Commissioner DePuy stated that he met with school Superintendent Bill Montford, and he is definitely interested in acquiring the Bloxom building and making it back into a downtown school as part of the 18-hour downtown concept.

Commissioner Rackleff suggested forming a joint strategy with the School Board and City regarding this issue, as well as bringing in some other stakeholders such as the CRC (Cultural Resources Commission).

County Administrator Alam informed the Board that that action is being taken at the staff level.

- f. Chairman Thael informed the Board that the City Commission has appointed Commissioner Katz to negotiate with the County on the renewal of the water agreement, sewer agreement and parks and recreation agreement. The County Administrator is in the process of scheduling bi-weekly meetings between the County Chairman and City Commissioner Katz to resolve those issues and bring them back to the County for conclusion.
- g. Congratulated the County Administrator on his recent wedding and wished Administrator Alam and Andrea Simpson a happy birthday.

Commissioner Proctor

- a. Stated that he is delighted with the information Vincent Long brought before the Board and asked whether the Board can add the Springhill Road DOT site. He understands that the main headquarters building is empty and will be knocked down. Commissioner Proctor would like to see the County possess that building.

- b. Recognized audience member Lynn Bannister, who serves as a senior aide to US Senator Bill Nelson, as the person who trained Commissioner Proctor.

*Recess at 4:42 p.m. and scheduled to reconvene at 6:00 p.m.*

**Schedule Public Hearings, 6 p.m.**

27. First and Only Public Hearing to Adopt an Ordinance Amending Chapter 17, Leon County Code of Laws Providing for Prohibition of Unmuffled Compression or Auxiliary Exhaust Brakes

County Attorney Thiele summarized that this is a proposed Ordinance that would regulate auxiliary exhaust brakes, also known as "jake brakes." It is his understanding that Commissioner Winchester would like staff to take an additional look at the item.

Commissioner Winchester requested this item primarily due to noise increase activity in Hwy 27 area and I-10. Tony Parks was out of town for the meeting on January 25, 2005 so Commissioner Winchester requested a continuance.

Chairman Winchester moved, duly seconded by Commissioner Grippa, and passed unanimously, 6-0 (Commissioner Proctor was out of Chambers) to continue to February 8, 2005 Commission meeting at 6:00 p.m.

28. Public Hearing to Adopt an ordinance Amending Chapter 4, Article II of the Leon County Code of Laws Regarding Animal Control

County Attorney Thiele stated that this item is the public hearing, first and only, on significant revisions to Animal Control regulations. Richard Ziegler's office (Animal Control) and the County Attorney's office have worked on the issue and they believe they have addressed all of the issues that have been brought to the Board's attention.

Chairman Thael commended Mr. Ziegler and his staff and the County Attorney's office for doing a fine job of listening to the citizens' concerns and finding an Ordinance amendment process that works for everyone.

Commissioner Sauls moved, duly seconded by Commissioner Grippa, and passed unanimously, 6-0 (Commissioner Proctor was out of Chambers) to approve Option 1: Conduct the Public Hearing and adopt a proposed Ordinance, amending Chapter 4, Article II of the Leon County Code of Laws, "Animal Control." See attached Leon County Ordinance Number 05-02:



29. First of Two Public hearings on a Proposed Ordinance to Provide for a Rezoning from the Rural Zoning District to the R-3 Single and Two-Family Zoning District on property Owned by Leon County Fronting the South side of Tower Road

County Attorney Thiele stated that this is the first of two hearings on an Ordinance that would rezone a parcel property on Tower Road. This is part of the land swap area, so the recommendation from planning staff is to conduct the first public hearing this evening if there are any speakers. If not, to have the second and final public hearing for adoption on February 8, 2005.

Commissioner Winchester thanked staff and Assistant County Attorney Dan Rigo for a diligent job on getting the project worked out and closed. This concludes the Lake Jackson Land and Community Center issue.

Commissioner Winchester moved, duly seconded by Commissioner DePuy, and carried unanimously, 6-0 (Commissioner Proctor was out of Chambers) to approve Options 1 and 2: 1) Conduct the first public hearing on a Proposed Ordinance to provide for a rezoning from the Rural Zoning District to the R-3 Single and Two-Family Residential District located on property owned by Leon County fronting on the south side of Tower Road; 2) Advertise the adoption hearing for Tuesday, February 25, 2005, at 6:00 p.m.

30. First of Two Public Hearings Regarding Amendment to the Land Development Regulations to Delete "Amusement Parks" as a Permitted Use in the Urban Fringe Zoning District

County Administrator Alam stated that this is one of the two public hearings on a proposed Ordinance, which would amend the Urban Fringe Zoning District to delete the "Amusement Parks."

Commissioner Sauls moved, duly seconded by Commissioner Grippa, to move Options 1 and 2: 1) Conduct the first of two public hearings on the proposed Ordinance to delete "Active Recreation" as a permitted use from the Urban Fringe Zoning District; 2) Advertise the adoption hearing to be held on February 22, 2005.

Commissioner DePuy asked the County Attorney what sort of retro-impact this may have on anything that is currently under consideration, has already been developed, or is under design or is going to be developed through the permitting process. County Attorney Thiele stated that if it exists, it will become a non-conforming use and can be maintained. It cannot be expanded and if it is destroyed, it cannot be rebuilt. If there is

something in process and no permits have been issued, this would prohibit it.

Commissioner Grippa asked what a "Kiddie Park" is. County Attorney Thiele responded that swings and slides are called "Tot Lots."

Commissioner Grippa withdrew his second because, although he supports banning amusement parks, he will not support banning vending and Kiddie Parks.

Chairman Thaele recognized this as an inappropriate land use for the Urban Fringe Zoning. When discussing amusement parks, he meant parks along the lines of Six Flags or Busch Gardens.

Commissioner Winchester moved, duly seconded by Commissioner Grippa, and passed unanimously, 7-0, to hold the 1<sup>st</sup> public hearing and have staff bring back the changes as noted.

31. Continuation of First Public Hearing on the Intent to Use the Uniform Method of Levy, Collection, and Enforcement of Non-Ad Valorem Assessments for the Beech Ridge trail Sewer Utility 2/3 Project

Administrator Alam stated that this is the first and only public hearing to adopt a Resolution to Utilize the Uniform Method of Collection for the Beech Ridge Trail Sewer Utility 2/3 Project assessment liens.

Commissioner Proctor asked whether there is a precedent for using 2/3 method for sewer or if this is an ad hoc approach. He asked if there is a uniform method of collecting special assessments for utilities.

County Administrator Alam responded that he does not know if historically the County has done sewers through this method (although stormwater and roads have used this method). Wayne Tedder clarified that this is the first time the County has done utility using this method.

Commissioner Grippa moved, duly seconded by Commissioner Winchester, and passed unanimously, 7-0, to approve Option 1: Conduct the Public Hearing and adopt the attached Resolution Number 05- of intent to utilize the Uniform Method of Collection for the Beech Ridge Trail Sewer Utility 2/3 Project.

32. Continuation of the First of Two Public Hearings on a Proposed Ordinance Amending the Land Development Code to Clarify Allowable Density in the Residential Preservation Zoning District

Speaker, Pam Hall, 5051 Quail Valley Rd., presented graphs indicating the Comp Plan is achieving higher density in town and lower density in rural areas, reducing urban sprawl.

Commissioner Rackleff stated that he supports the item to increase allowable densities and asked David McDevitt, GEM, about the ground level.

Mr. McDevitt stated that he had spoken to the Lafayette Oaks community members and the Vice President was comfortable with the Ordinance. There was concern about mix-use occurring around the establishment areas, but Mr. McDevitt confirmed that that is not the case. Most of the community concerns were about the sector rather than the Ordinance.

Commissioner Proctor inquired about what would happen to manufactured homes. Mr. McDevitt responded that manufactured homes would not be affected.

Commissioner Proctor asked whether the numbers Ms. Hall presented indicate the Comp Plan is successful or are there other factors such as college students increasing density. Mr. McDevitt stated that when working on Bradfordville, it was evident that urban sprawl had declined.

Commissioner Sauls asked what sort of buffering there would be for establishments that had a high density such as 6 units per 1 acre and Mr. McDevitt explained that the buffering would be vegetative.

Commissioner Winchester moved, duly seconded by Commissioner Grippa, and passed unanimously, 7-0, to approve Options 1 and 2: 1) Conduct the first of two Public Hearings on a proposed Ordinance amending the Land Development Regulations to provide clarification regarding allowable density in the Residential Preservation Zoning District, and advertise the second and final Public Hearing on the proposed Ordinance for February 8, 2005 at 6:00 p.m.; 2) Direct staff to examine the issue of intensity of development associated with the allowable nonresidential land uses in the RP Zoning District.

33. First and Only Public Hearing on the Life Eternal Ministries Church type "C" Site and Development Plan

County Administrator Alam stated that the issue is to conduct a Public Hearing to consider approval of a Type "C" Site and Development Plan for the proposed Life Eternal Ministries Church.

Commissioner DePuy moved, duly seconded by Commissioner Winchester, and carried unanimously, 7-0, to approve Option 1: Conduct

the first and only Public Hearing and approve the Type "C" Site and Development Plan for the proposed Life Eternal Ministries Church, based on the findings of fact, conclusions of law, and conditions of approval set forth in the recommendation of the DRC, including the recommendation that the minor modification review process be completed for any required site plan revisions that may result from the applicant's inability to obtain offsite drainage easements.

Commissioner Proctor

- a. In regards to the "Comparison of Disparity Analysis," Commissioner Proctor proposed bringing an agenda item to the Board. The agenda item would address the creation of a small business assistance program and/or an economic development office.

Commissioner Rackleff asked for clarification since the analysis indicates that the percentage of dollars spent on minority firms from 1989-1993 to 1997-2001 has increased.

Commissioner Proctor affirmed that the goal is to improve the numbers and he reiterated that there is a need for an economic development office.

Commissioner Rackleff asked whether Commissioner Proctor is suggesting a campaign to accomplish the goal.

Commissioner Proctor responded that that would be one effective method and noted that the Angelou Report recommended an internal and external campaign.

Administrator Alam suggested adopting a small business.

Commissioner Proctor moved, duly seconded by Commissioner Winchester, and passed unanimously, 7-0, to agenda the item.

- b. Notified the Commission of information he received from the Tallahassee Lenders Consortium about the participating lenders. Commissioner Proctor reminded the Board that the County, led by Clerk Inzer's office, is reviewing five banks to be the banker.
- c. In light of the Angelou report, Commissioner Proctor suggested appointing a citizen' advisories board on Southern Strategy to pick-up the recommendations on the table. He spoke with Wayne Tedder, Planning Department Director, regarding the multitude of reports, but lack of a leadership advisory group.

Moved by Commissioner Proctor, duly seconded by Commissioner DePuy, and passed unanimously, 7-0, to agenda the item.

- c. The Boys and Girls Club on Laura Lee Ave. would like to use land adjacent to their club for a gravel parking lot, and Commissioner Proctor would like to agenda that item.

Commissioner Proctor moved, duly seconded by Commissioner DePuy, and carried unanimously, 7-0, to agenda the item regarding Boys and Girls Club parking lot.

**Citizens to be heard on Non-Agendaed Items**

George E. Lewis II, 203 N. Gadsden St. #6, addressed the January 11, 2005 agenda item regarding the time change for the County Commission meetings. He asked what consideration was given to citizen input and stated that the time change would prevent working citizens from participating in Board meetings.

Chairman Thael responded that the Board has maintained the policy of taking Citizens to be Heard on Non-Agendaed Items, 3-minute Limit, and non-discussion by the Commission after the Consent Agenda. Part of the agenda called Citizens to be Heard on Non-Agendaed Items, 6-minute Limit, with Discussion by Commission is scheduled after the public hearings.

There being no further business to come before the Board, the meeting was adjourned at 6:40 p.m.

APPROVED: \_\_\_\_\_  
Cliff Thael  
Chairman

ATTEST:

\_\_\_\_\_  
Bob Inzer  
Clerk of the Circuit Court